

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

BRADLEY J. TOWNSELL,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of  
the Social Security Administration,

Defendant.

CASE NO. C10-1221MJP

ORDER ADOPTING REPORT AND  
RECOMMENDATION

The above-entitled Court, having received and reviewed

1. The Magistrate Judge's Report and Recommendation (Dkt. No. 18)
2. Appellant's Objections to Report and Recommendation (Dkt. No. 19)
3. Respondent's Response to Petitioner's Objections (Dkt. No. 20)

and all attached declarations and exhibits, makes the following ruling:

IT IS ORDERED that the Report and Recommendation is ADOPTED, the final decision of the Commissioner of Social Security is AFFIRMED, and the case is DISMISSED with prejudice.

## Discussion

Plaintiff objects generally to the Magistrate Judge's Report and Recommendation ("R&R") affirming the Social Security Commissioner's decision to deny Plaintiff's application for Disability Insurance Benefits. Plaintiff raises three objections: (1) the ALJ made errors of law by failing to adopt the VA determination that Plaintiff was disabled; (2) the ALJ's decision was not supported by sufficient evidence; and (3) the ALJ erred by "dismissing" the testimony of the vocational expert. The Court adopts in full the analysis in the R&R and adds the following discussion only to address Petitioner's objections directed toward the R&R.

### 1. Disregarding the VA finding

Plaintiff argues the ALJ committed legal error "when he failed to accept the rating of the [VA] that Plaintiff was 70% permanently disabled and 100% unemployable." (Pl. Obj. at 4.) The Magistrate Judge adequately addressed this argument and found the ALJ sufficiently supported his conclusion differing from the VA determination. Plaintiff's objection to the R&R fails to point out any error in the R&R.

### 2. Substantial Evidence

Plaintiff argues that because the ALJ did not find his testimony credible, the ALJ should not be permitted to consider any statements made by Plaintiff at any time. (Pl. Obj. at 7.) The ALJ is not precluded from considering statements Plaintiff made to his doctors. Additionally, the ALJ explained that the credibility of Plaintiff's testimony was eroded by Plaintiff's admission of ten years of drug use and the fact that Plaintiff's lowest GAF score occurred when he was seeking VA disability benefits. The ALJ's credibility determination and resulting disability determination were based on substantial evidence in the record. Accordingly, the Court does not disturb these determinations.

